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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,036	03/29/2007	Nicole L. Sullivan	08563-0139-U1	1926
65074 7590 12/19/2007 MCNEES WALLACE & NURICK, LLC 100 PINE ST. P.O. BOX 1166 HARRISBURG, PA 17108-1166			EXAMINER GAWORECKI, MARK R	
			ART UNIT 2884	PAPER NUMBER
			MAIL DATE 12/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/596,036	SULLIVAN ET AL.	
	Examiner	Art Unit	
	Mark R. Gaworecki	2884	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,9,10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,9,10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/25/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 5 contains illegible text and numerals. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Preliminary Amendment

2. The preliminary amendment filed on 25 May 2006 has been accepted and entered. Claims 5, 7, 8, and 11 are cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 9, 10, 12 and 15-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta *et al.* (4,118,654), in view of Sohngen (3,968,365).

With respect to claims 1-3, 6, 9, and 12, Ohta discloses a system for viewing X-ray films wherein a photosensor adjusts the intensity of a light source according to the presence, absence, or transparency of a film (abstract). However, Ohta does not teach the use of an IR system with a processor configured to determine a type of film. However, IR detection switches are well-known in the art, as demonstrated by Sohngen. Sohngen discloses a system for detection of the presence or absence of an X-ray film using IR radiation (column 2, lines 48-55), wherein an IR emitter (IR LED, column 2, line 20) and sensor may be disposed on opposing sides of the inserted film (column 2, lines 25-30). Sohngen further states, "This signal can then be used in conjunction with other electronics to produce control functions." These "other electronics" would include a processor as an obvious choice to one of ordinary skill in the art, and also "control functions" would reasonably include adjustment of light conditions based on the detected signal, which would be indicative of a type of film. It would have been obvious to one of ordinary skill in the art to use the infrared system of

Sohngen in a film detection system such as the one set forth by Ohta, in order to provide accurate levels of illumination with minimal or no adjustment by the operator.

With respect to claims 4 and 10, Ohta discloses an additional manual dimmer control (column 4, lines 24-41).

With respect to claims 15-20, the combination as applied above does not specifically disclose the steps for calculating levels of emissions of the IR emitter, However, Sohngen discloses using the detected IR signal for control functions (column 2, lines 48-55). Taken with other known methods for adjusting light conditions, as set forth by Ohta, in which recurring measurements are taken by the detector to establish a proper light level (column 3, line 57-column 4, line 23), it would have been obvious to one of ordinary skill in the art to take successive readings in order to establish a nearly real-time maintenance of a necessary illumination level.

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Sohngen, as applied above, and further in view of Wolf *et al.* (3,896,576).

With respect to claims 13 and 14, the combination as applied to claim 9 above does not disclose a roller system for holding the film. However, such roller systems are conventional and well-known in the art and would have been obvious to one of ordinary skill in the art at the time the invention was made. Wolf is cited as an example of such a system (column 2, lines 22-43).

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Gaworecki whose telephone number is (571) 272-8540. The examiner can normally be reached on Monday through Thursday, 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MG
12 December 2007


DAVID PORTA
SUPERVISORY PATENT EXAMINER
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